

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CYNTHIA HARGREAVES,

Plaintiff,

vs.

PAUL ROSE and JANE DOES ROSE,
individually and the marital community
comprised thereof; SAFEWAY INC, a foreign
corporation; JOHN/JANE DOES I-V,
CORPORATIONS I-X,

Defendants.

No.

DEFENDANTS PAUL ROSE AND
SAFEWAY INC.'S NOTICE OF
REMOVAL OF ACTION PURSUANT TO
28 U.S.C. §§ 1332, 1441 AND 1446

[REMOVED FROM CLALLAM COUNTY
SUPERIOR COURT CAUSE NO. 21-2-
00506-05]

TO: Clerk, U.S. District Court, Western District of Washington, at Tacoma;

AND TO: Plaintiff and Plaintiff's Counsel of Record.

Defendants hereby remove to this Court the state court action described below on the grounds stated herein, and as supported by the Declaration of Kimberly A. Reppart and the exhibits attached thereto.

I. INTRODUCTION & STATEMENT OF FACTS

On September 24, 2021, Plaintiff served Defendant Safeway Inc. with a lawsuit captioned in Clallam County Superior Court entitled *Cynthia Hargreaves v. Paul Rose, et al.* Declaration of

1 Kimberly A. Reppart, Exs. 1 and 2.

2 This Notice of Removal is timely under 28 U.S.C. § 1446(b)(3) because it is being filed
3 “...within 30 days after receipt by the defendant, through service or otherwise, of a copy of an
4 amended pleading, motion, order or other paper from which it may be first ascertained that the
5 case is one which is or has become removable.” 28 U.S.C. § 1446(b)(3). On December 30, 2021,
6 Plaintiff served Defendants with her Answer to Defendants’ Interrogatory Regarding Damages,
7 which served as Safeway’s first notice that plaintiff is claiming more than \$75,000 in damages.
8 Reppart Decl., Ex. 4.

9 Safeway Inc. is a Delaware corporation with headquarters located in Pleasanton, California.
10 Reppart Decl., Ex. 3.

11 II. BASES FOR REMOVAL

12 A. There is Complete Diversity of Citizenship under 28 USC § 1332.

13 This Court has subject matter jurisdiction over this civil action pursuant to 28 U.S.C. §
14 1332(a)(1), and this action is one that can be removed to this Court by Defendants pursuant to 28
15 U.S.C. § 1441(b) in that it is a civil action between citizens of different states and the amount in
16 controversy exceeds the sum of \$75,000, exclusive of interest and costs.

17 The Plaintiff is a resident of Washington State. Reppart Decl., Ex. 2. Defendant Safeway
18 Inc. is a Delaware corporation with headquarters located in Pleasanton, California. Reppart Decl.,
19 Ex. 3. Removal of the Plaintiff’s action to this Court is proper because there is complete diversity
20 of citizenship of the parties pursuant to 28 U.S.C. § 1332, and there was complete diversity at the
21 time Plaintiff’s lawsuit was served.

B. The Amount in Controversy Exceeds the Jurisdictional Minimum.

Plaintiff indicated in her responses to Defendants' Request for Admission and Interrogatory that she is claiming more than \$75,000. *Reppart Decl.*, Ex. 4. This information is sufficient to conclude that Plaintiff seeks to recover in excess of \$75,000 in damages against Defendants.

C. This Notice of Removal is Timely Under 28 USC § 1446(b).

This Notice of Removal is timely under 28 U.S.C. § 1446(b)(3) because it is being filed "...within 30 days after receipt by the defendant, through service or otherwise, of a copy of an amended pleading, motion, order or other paper from which it may be first ascertained that the case is one which is or has become removable." 28 U.S.C. § 1446(b)(3). On December 30, 2021, Plaintiff served Defendants with her Answer to Defendants' Interrogatory Regarding Damages, which served as Safeway's first notice that plaintiff is claiming more than \$75,000 in damages. *Reppart Decl.*, Ex. 4.

D. This Notice of Removal Complies with the Applicable Local Rules, and Venue Is Proper in the Western District of Washington under 28 U.S.C. § 128(b).

This Notice of Removal complies with all applicable Federal Rules of Civil Procedure and Local Rules. Defendants have attached to the Declaration of Kimberly Reppart, filed in support of this Notice, copies of all process, pleadings, and orders served upon it in the state court action, as required by 28 U.S.C. § 1446. Venue is proper in this District pursuant to 28 U.S.C. §§ 128(b) and 1391, because this District encompasses Clallam County, the county listed in the state court complaint served on Defendants.

Defendants are serving Plaintiff with copies of this Notice of Removal and the supporting Declaration of Kimberly Reppart (with exhibits).

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III. CONCLUSION

Plaintiff's civil action, originally venued in Clallam County Superior Court for the State of Washington, may be removed pursuant to 28 U.S.C. 1441 and 1446 to the United States District Court for the Western District of Washington at Tacoma.

DATED this 21st day of January, 2022.

FORSBERG & UMLAUF, P.S.



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